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as illustrations. On p. 42 it is said that "the population of Spain had steadily declined from the time of the Goths, when it was very numerous, down to the first quarter of the eighteenth century." As the figures given for the population of Spain are all guesswork before the census of Castile in 1594, and equally so for Spain outside of Castile until 1797, so confident an assertion of the steady decline of the population of the peninsula for over a thousand years is, to say the least, hazardous and misleading. On p. 6 the well-known prophecy of Aranda in regard to the future greatness of the United States is quoted and it is said to be from a letter which Aranda wrote to Florida Blanca. This document according to its title was a memorial submitted to the King and not a letter to Florida Blanca. That it is of doubtful authenticity Mr. Hume is evidently unaware; yet Ferrer del Rio discussed it in his "Historia del Reinado de Carlos III" and reached the conclusion that it is not genuine. He was unable to find the document in the archives and the views presented in it are inconsistent with authentic expressions of Aranda. Baumgarten in his "Geschichte Spaniens" is also positive in his rejection of it for the same reasons. The account on p. 54 of the treaty of St. Ildefonso (1801) gives the idea that it was the result of folly rather than of practical compulsion.

In matters relating to American history Mr. Hume's expressions show both haste and unfamiliarity. We are told (p. 446) that Spain had a little war (1861) "in Santo Domingo, where the Spanish half of the Negro Republic desired annexation to Spain," and that Grant (p. 492) "resolutely refused" to recognize the Cubans as belligerents because being "now firmly fixed in his new term of office" he had no "desire to strengthen the Democratic party by adding Cuba to the agricultural states." No doubt Mr. Hume recollects reading something like that in a Spanish newspaper thirty years ago. It is tolerably well known that Grant wanted to recognize the Cubans as belligerents and was with difficulty dissuaded from doing so. The phrases, "the revolt of the English-American Colony" (p. 171), and "the United States legislature" (p. 559), evince a haste that cannot tarry until the precise word presents itself.

EDWARD G. BOURNE.

The Constitutional History of the United States. By FRANCIS NEWTON THORPE. (Chicago: Callaghan and Co. 1901. Three Vols., pp. xxi, 595, xix, 685, xvi, 618.)

ACCORDING to the preface, this work, "the labor of half a life time," traces the "origin, progress and development of constitutional government in America from the close of the French wars in 1765, to the year 1895"; but as would be expected by one familiar with Mr. Thorpe's previous book, *The Constitutional History of the American People*, the terms of the title bear a peculiar significance. In reality the work is far less broad in scope, being concerned not so much with constitutional

government as with the formation of the text of the Federal Constitution. Out of 1,829 pages, 1,260 are devoted to the process of formation, ratification and amendment, only 249 to constitutional history in Von Holst's sense of the words, and only 96 to the judicial interpretation of the Constitution.

The author's point of view is also unusual in that he conceives his province to be that of a mere chronicler. He aims to be perfectly impartial in recounting what was said and done, and to abstain from passing judgment on any constitutional doctrines or arguments, and in this he succeeds to a marked degree. At the same time, however, the reader is left in no doubt as to where the author's sympathies lie. He occupies a strictly Jeffersonian individualistic position regarding the rights of man, checks and balances and constitutional limitations, but he joins with this a strong nationalistic feeling. Hence he applauds the Revolutionary Whigs and stigmatizes their opponents as "Tories," "disloyal," "selfish and intriguing," reprobates the slaveholders and secessionists while eulogizing the abolitionists and radical Republicans, praises equally Jefferson, Lincoln and Thaddeus Stevens. Every effort to define the rights of the individual meets his enthusiastic approval. The three volumes accordingly are descriptive and expository but at the same time highly uncritical and their value depends upon the quality and arrangement of the material they contain. This is considerable.

In the first volume Mr. Thorpe begins with a brief survey of political conditions in 1765, at the same time tracing the rise of democratic political theory in the colonies, and allowing due influence to the frontier and to economic considerations. This is followed by a narrative of the taxation controversy and the Revolution with special reference to the steps taken by the colonies toward union and independence and their expressions of political theory. The colonial protests and resolutions and the actions of Congress are therefore somewhat minutely analyzed. The first part ends with a description of the origin and formation of the Articles of Confederation, the difficulties over their ratification and a summary of the futile attempts to amend them. These opening eight chapters are in many ways the most original and valuable of the whole work. The political and constitutional theories of the Revolutionary statesmen and the political and economic reasons for their action are convincingly shown by elaborate analyses and cross references to documents of all sorts.

The rest of the first volume and the opening third of the second volume are devoted to a full narrative of the formation and ratification of the Constitution and the adoption of the first twelve Amendments. These chapters while based equally upon original sources cover more familiar ground in a less novel way. The rest of the second volume describes the history of the Constitution during the struggle between states' rights and nationalism. Mr. Thorpe does not devote much space to political controversy even though in it the Constitution was appealed to by both sides, but contents himself with a brief summary of such struggles and an even briefer summary of judicial interpretations, his object being to trace

the growth of general political governmental theory. These chapters need to be supplemented by continual cross references to Mr. Thorpe's earlier work, taken with which they become much more valuable. The survey of the era of struggle ends with a detailed study of the fruitless attempts in 1861 to prevent secession by constitutional amendment.

The third volume is almost wholly devoted to the last three Amendments. Here Mr. Thorpe, returning to the methods of his opening chapters, makes use of a comparative study of State and Congressional action during the Reconstruction period, to show the successive steps by which negro liberty and legal equality became part of state and Federal Constitutions. In this, as he says in his preface, he is doing the work of a pioneer, and by the width of his research, the fullness of his citations and his grasp of constitutional and legal documents Northern and Southern has certainly made an extremely valuable contribution to history. Throughout, from 1765 to 1870, he has proved, as no other writer has even tried to do, the impossibility of dealing fully with the Federal Constitution either in its origin or Amendments without ample consideration of the colonial and state governments, constitutions and laws and the political theories current among the people.

But while in the matter of the collection and exposition of legal and constitutional material nothing but praise can be awarded the work, there are certain peculiarities which it is impossible not to mention. The most striking is Mr. Thorpe's use of sources. As regards the primary legal authorities no fault can possibly be found, for the author has spared no pains to secure full authentic reports of every convention, election or legislative act. His foot-notes bristle with documentary references and when these are lacking he has made some attempt to supplement them by newspaper reports. He also makes use of the works of statesmen, especially for the Revolutionary period, but his main reliance everywhere is upon "Official" documents, a tendency equally marked in his earlier work. But when it comes to secondary authorities a great difference is observable. He never discusses and rarely mentions the conclusions of recent writers, even those in his special field. With the exception of Barrett on the Northwest Ordinance, and Libby, Walker, Harding, McMaster and Stone on the Adoption of the Federal Constitution he makes no use of monographic work. The Johns Hopkins series is ignored: no reference is made to Jameson's *Essays in the Constitutional History of the United States*, to Fertig's *Reconstruction in Tennessee* or any other in the Columbia Series, or to Houston's *Nullification*. He has apparently never read Dunning's *Essays on Reconstruction*. As regards the longer works on United States History, the omissions are even more surprising. Bancroft, Frothingham, Trevelyan and Lecky are mentioned a few times, Hildreth only once; but Von Holst, Schouler, G. T. Curtis, H. Adams and Rhodes are unknown. None of the legal writers from Story to Cooley are referred to, except Jameson's *Constitutional Conventions* and Burgess, each once in a foot-note. Precisely why Mr. Thorpe has ignored practically all American scholarship is not clear. If he reached the same

conclusions independently he might be justified in disregarding other writers, but that is not the case. The weakest parts of the three volumes are precisely those which a full knowledge of these writers would have remedied.

To begin with, the work impresses one with a great lack of digestion. Where Mr. Thorpe deals with debates of any kind in any legal body he invariably gives full abstracts without quotations, rearrangement or explanations. He never sums up or groups opinions or statements, he shrinks from no repetition and in this way manages to devote three-fifths of his space to mere debate. With this goes also a singular lack of perspective, the same as that observed in Mr. Thorpe's earlier work. To the author all things legal, or found in authentic documents, appear of equal importance. All parts of the Constitution and all Amendments are worthy of equal attention. More than this all amendments offered to any resolution or act are of equal value with each other and with the act. Still further in any debate each speaker and everything in each speaker's remarks is of equal weight. The result is an overwhelming amount of unimportant matter. More than twice as much space is devoted to the compromise measures of 1861, which failed utterly, as is given to the Thirteenth or Fifteenth Amendments.

The legalism of the author's point of view is reflected in his language. The style, ordinarily clear, is not always easy and lacks variety, besides being filled with technical phrases and certain hard-worked favorite words. In explaining anything, whatever is not "administrative" is "economic" or "political." This gives a drily abstract air to really valuable observations. The arrangement of material in chapters and paragraphs is frequently bad. At times the latter are so mismanaged as to make it difficult to understand whether the author or one of the speakers in a debate is responsible for the ideas.

Probably the legal cast of Mr. Thorpe's mind and his ignoring of other writers are responsible for the slight attention given to political motives. The whole history of the country appears in his pages as a network of legal and theoretical controversy, and the influence of purely partisan and business considerations is barely mentioned. In the colonial period this deficiency is less serious but in the treatment of the Reconstruction epoch it impairs the value of the whole work. Having shown convincingly how down to 1866 there was no wish, North or South, to give the free negro a vote, the author goes on to describe the Reconstruction measures as a triumph of liberalism and democracy without referring to the highly practical motives which led Stevens, Morton and the rest to give suffrage to the blacks. To describe this struggle without recognizing purely partisan motives is to miss the decisive element in the whole story. Hence the third volume appears more obviously one-sided than the first.

Another deficiency is in the author's treatment of the political theories of the colonies. Mr. Thorpe seems to consider them as of European origin, citing Grotius and Montesquieu, and almost ignoring the body of Eng-

lish Whig doctrines, culminating in Locke's political philosophy. In dealing with the knotty question of sovereignty Mr. Thorpe lacks the clearness which comes from sharp definition of the various meanings of the word. Nowhere in the volumes is the distinction made between legally divided and politically united sovereignty, and the evolution in the popular ideas on the subject traced by Professor McLaughlin in the *AMERICAN HISTORICAL REVIEW* for April 1900, appears nowhere in his pages.

Further Mr. Thorpe's dependence upon legal documents and the slight attention paid to secondary sources lead to the presence of a number of actual errors in the text, among which the following are the most striking: In volume I., p. 80, forgetting the Declaration of 1688, he says "the Americans were the first people to accuse the King of violating the compact." In the same volume (p. 110) he accepts without question the Mecklenburg declaration of independence of May 20, 1775. In Vol. II., p. 343, after describing the Naturalization and the Alien Enemies Acts he says "these were the famous alien and sedition acts of 1798"! and later states that they were repealed which is true only of the Naturalization Act. On p. 357 he denies that New England in 1814 meditated secession. On p. 387 he asserts that Jackson before his election "left no one in doubt" of his position on the tariff, which is just what he did do with great skill. On p. 468 he says the decision in *Marbury vs. Madison* was never executed. On p. 560 the map of slave and free territory in 1860 is wrong since it includes both Minnesota and Oregon as territories whereas both were states. On p. 559 he says that the Congress elected in 1860 was Republican in both branches and gives the figures for Congress as it was in July 1861 with no Southern members, whereas in fact the Republicans elected a majority of neither branch. On p. 595 he speaks of South Carolina's falling into the hands of the national forces on September 17, 1862. On p. 682 he says that Illinois alone ratified the amendment proposed in 1861; MacDonald's *Documents* gives Maryland and Ohio. In Vol. III., p. 122, the Crittenden resolution of 1861 is confounded with the Crittenden compromise offered in the preceding Congress. On p. 516 the Ableman and Booth case is confused with the Merryman case. On p. 524 the author says the fears of several southern States in 1865 that Congress would extend the franchise to the negroes were groundless. But as a matter of fact Congress did this very thing in the Reconstruction Acts. The chapters on political affairs are filled with careless statements of this character, contrasting with the scrupulous accuracy of references to constitutional and legal matters.

The most questionable feature, however, is the fundamental plan. In spite of the wealth of material and keenness shown in interpreting legal matters, is a history of the United States Constitution worth writing on the lines that Mr. Thorpe has followed? The lack of perspective which leads the author to devote only 96 pages out of 1829 to the judicial interpretation of the Constitution and only 164 pages to all other development permeates the whole work. Strong as the volumes are in

the narrow field of legal procedure, they are less than commonplace on the judicial side and in the political interpretation of the Constitution are distinctly weak. The error is made of regarding the text of the Constitution as the main thing, its operation as negligible. Not a word is given as to the practical working of any organ of government except the judiciary, not a word to the results of the Reconstruction Amendments although the History purports to come down to 1895. Valuable as Mr. Thorpe's work is in its field it is far too narrow to make good the claim of its title to be a Constitutional History of the United States.

The three volumes are creditable pieces of book-making. The paper had necessarily to be too thin for elegance in order to keep the volumes of a convenient size, but the page is clear, the type good and misprints relatively few. Out of a score noted, none are more serious than slight misspelling in proper names and errors of a figure in a few dates. There is a long and elaborate index reproducing in its choice and arrangement of topics the merits and peculiarities of the text.

THEODORE CLARKE SMITH.

High School History of the United States, being the "History of the United States for Schools." By ALEXANDER JOHNSTON, LL.D. Revised and continued by WINTHROP MORE DANIELS. Further revised and continued by WILLIAM MACDONALD, Professor of History in Bowdoin College. (New York: Henry Holt and Co. 1901. Pp. xviii, 612.)

PROFESSOR JOHNSTON'S *History of the United States for Schools*, appeared in 1885. It was quite generally regarded as among the best of our school text-books. Larger and more complete "Students' Histories" and high school text-books have been published since then; but with the revisions and additions since added to Professor Johnston's book it will be able to hold its own among our good high school texts.

Professor Johnston was one of the earliest among American teachers to recognize the need of better perspective and proportion in the study of American history in our common schools. An undue proportion had been given by previous authors of text-books to colonial times and affairs, more than half their volumes being given, in some cases to the story of the colonies preceding the Revolution. Professor Johnston appreciated more highly the importance of the national period since the Revolution and under the Constitution, and he devoted at least three-fourths, perhaps four-fifths, of his volume to this period. He set a pace which has since been followed. His purpose was to produce, not a narrative story-book of interesting old times in the colonies, of John Smith, Miles Standish, and the Indian Wars, but a topical text-book that would emphasize the principles and policies in our national development, making most for the education of American citizens. This original plan has, of course, been respected and preserved by the revisers. The body of the text in the new work is essentially the same as in the *School History*.